

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Application of Blackstone Gas Company) D.T.E. 05-GAF- 03
for Cost of Gas Adjustment Factor)
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MOTION OF BLACKSTONE GAS COMPANY
FOR A PROTECTIVE ORDER

I. INTRODUCTION

Blackstone Gas Company (“BGC”) respectfully requests that the Department of Telecommunications and Energy (“Department”) grant protection from public disclosure, pursuant to G.L. c. 25, §25D, of price information related to its Contract for Sale and Purchase of Natural Gas with Amerada Hess Corporation included in documents filed by BGC in connection with its Cost of Gas Adjustment filing. The Department recently approved a similar request in connection with the requested approval of said Contract in *Blackstone Gas Company*, DTE 05-49. (September 13, 2005) and the Hearing Officer has granted a similar Motion in connection with the filing by BGC in *Blackstone Gas Company*, D.T. E. 05-GAF- P3 on November 1, 2005. The Protective Order requested is for a period expiring on December 31, 2008 which is the current end of the term of said Contract, unless BGC files a Motion to extend the period of confidentiality. If a Motion to extend the confidentiality is filed before the expiration date the material shall remain confidential until the Department rules on the Motion and thereafter in accordance with the ruling of the Department.

In support of its request for a protective order, BGC states as follows:

II. LEGAL STANDARD

Confidential information may be protected from public disclosure in accordance with G.L. c. 25, §25D, which states in part that:

The [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where the need has been found to exist the [D]epartment shall protect only so much of the information as is necessary to meet such need.

The Department has frequently protected sensitive market information, and has determined that competitively sensitive information, such as price terms, can be protected. Standard of Review for Electric Contracts, D.P.U. 96-39, at 1 (1996). The Department has determined that price terms should be protected in gas supply contracts, including “reservation fees or charges, demand charges, commodity charges and other pricing information.” Colonial Gas Company, D.P.U. 96-18, at 4 (1996).

The Department has recognized that competitively sensitive terms in a competitive market should be protected and that such protection is desirable:

The Department recognizes that the replacement gas purchases ... are being made in a substantially competitive market with a wide field of potential suppliers. This competitive market should allow LDC’s to obtain lower gas prices for the benefit of their ratepayers. Clearly the Department should ensure that its review process does not undermine the LDC’s efforts to negotiate low cost flexible supply contracts for their systems. The Department also recognizes that a policy of affording contract confidentiality may add value to contracts and provide benefits to ultimate consumers of gas, the LDC’s ratepayers, and therefore may be desirable for policy reasons.

Berkshire Gas Company et al., D.P.U. 93-187/188/189/190, at 20 (1994).

III. THE MATERIALS ARE PROPRIETARY AND CONFIDENTIAL AND WARRANT PROTECTION FROM DISCLOSURE

The pricing information of the transaction would be compromised if the Cost of Gas Adjustment filing is not redacted. This is the type of competitively sensitive information that the Department has protected in the past. Berkshire Gas Company, D.T.E. 99-81 (1999) (cost and pricing information redacted); Standard of Review for Electric Companies, D.T.E. 96-39 (1996) (electricity contract prices protected). There would be no harm to the public, and clear benefits to BGC's customers, if the contract price is protected.

IV. CONCLUSION

For the reasons set forth above, BGC requests that the Department protect from public disclosure the pricing provisions related to its gas supply Contract in this and future Cost of Gas Adjustment and Reconciliation filings by the Company.

Respectfully submitted,

BLACKSTONE GAS COMPANY
By its attorney,



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Date: March 15, 2006

**Motion for a Protective Order of
Blackstone Gas Company**

CERTIFICATE OF SERVICE

I, Andrew J. Newman, hereby certify that a copy of the Blackstone Gas Company's Motion for a Protective Order was served by Hand and by e-mail to Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, MA 02110, George Yiankos, director Gas Division, Carol Pieper, Hearing Officer and by electronic mail to Joseph W. Rogers, Esq., Assistant Attorney General, Office of the Attorney General, 1 Ashburton Place, Boston, MA 02108, counsel for the Attorney General.



Andrew J. Newman

Date: March 15, 2006